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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/732,985

12/11/2003

Donald E. Brodnick

039199-9544-00

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10/13/2006

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EXAMINER

LIN, JACK

ART UNIT

PAPER NUMBER

3768

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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10/732985

EXAMINER

Lin

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| ART UNIT | PAPER |
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3768

20061003

DATE MAILED:

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Commissioner for Patents

The reply filed on September 27, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not addressed the rejections of Claims 1-15 and 42-46 under 35 U.S.C. §101 for non-statutory subject matter. It should be noted that the Examiner mistakenly wrote in the first sentence, "the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility" where the Office action should have stated, "the claimed invention is directed to non-statutory subject matter." However, the discussion of the rejection in the Office action properly details why the claims were directed to non-statutory subject matter.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Lin whose telephone number is (571) 272-7694. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m. EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on (571) 272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL
Art Unit 3768

ERIC F. WINAKUR
PRIMARY EXAMINER

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